

Law Enforcement Needs Analysis

U.S. Department of the Interior • Bureau of Land Management



State of New Mexico
LAW ENFORCEMENT
NEEDS ANALYSIS

#20769123
88019090

TABLE OF CONTENTS

BLM LIBRARY
SC-324A, BLDG. 50
DENVER FEDERAL CENTER
P. O. BOX 25047
DENVER, CO 80225-0047

KF
5605
L383
1989

A. STATE DEMOGRAPHICS	1
B. PROHIBITED ACT DATA	4
1. Theft of Oil and Gas	4
2. Theft and Destruction of Cultural Resources	5
3. Cannabis Cultivation	5
4. Theft of Vegetative Materials	7
5. Theft of Saleable Mineral Materials	7
6. Vandalism and Theft of Range Improvements	7
7. Recreation Violations	7
8. Wild Horse and Burro	7
9. Immigration Violations	8
10. Hazardous Waste/Illegal Dumping	8
11. Criminal Offenses	9
12. Memorandum of Understanding (MOU)	9
C. EMPLOYMENT AND INCOME	10
Map C-1 New Mexico Population Centers	11
Table C-1 Population Projections	12
D. FEDERAL LAW ENFORCEMENT AGENCY PROFILES	13
E. STATE LAW ENFORCEMENT AGENCY PROFILES	14
F. COUNTY LAW ENFORCEMENT AGENCY PROFILES	15
G. TOTAL CRIME ASSESSMENT	16
H. ENFORCEMENT PROBLEMS ON BUREAU LANDS	18
I. LAW ENFORCEMENT AGREEMENTS	19
Table I-1 County Breakdown of the FY 1988 Payments	20
J. AREAS OF CONFLICT IN LAW ENFORCEMENT AGREEMENTS	22
K. SPECIAL AGENT AND RANGER OPERATIONS	23
L. RECOMMENDATIONS	25
 <u>APPENDIXES</u>	
A-1 BLM Office Locations	26
B-1 Memorandum of Understanding with the New Mexico National Guard	27

Section A
STATE DEMOGRAPHICS

BUREAU OF LAND MANAGEMENT
NEW MEXICO STATE OFFICE

A. STATE DEMOGRAPHICS

The Bureau of Land Management (BLM), New Mexico State Office (NMSO), is responsible for the management of 60,510,840 surface and subsurface acres in the four states of New Mexico, Oklahoma, Texas, and Kansas. This total acreage breaks down to 12,889,553 surface acres and 41,151,000 subsurface acres (split estate) in New Mexico; 5,279 surface acres and 2,350,000 subsurface acres in Oklahoma; approximately 5 million subsurface acres in Texas; and 1,008 surface acres and 588,000 subsurface acres in Kansas.

New Mexico is located in the southwestern portion of the Western United States and is the fifth largest state in the United States covering 78 million acres or 121,666 square miles. This area is equal to the combined land area of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and New York. Much of the land mass is publicly owned with the BLM and other Federal agencies controlling approximately one-third or 25.7 million acres. The State itself owns 9.3 million acres or 12 percent of the total acreage. The American Indians have been allotted 7 million acres and approximately 38 million acres are privately owned.

New Mexico has six of the seven life zones existing on the North American Continent. Forested mountains reaching 13,000 feet above sea level are found in the northern part of the State. The mountains of the southwestern and south central part of the State are equally impressive, although their heights stem from lower base elevations. The southwestern and southeastern parts of the State are primarily rolling hills of rather sparse vegetation at approximately 4,000 feet above sea level. The northwestern and west central part of New Mexico is a high, arid plateau shaped by volcanic activity that features sculptured mesas, plateaus, and stone formations.

Only .2 percent of the land surface is water, which is the lowest proportion of surface water to surface land of any state in the nation. New Mexico's major rivers, the Rio Grande, San Juan, Chama, and Pecos, have historically provided the life blood for the State's population centers. Average rainfall for the State is 12 inches, although the high mountains receive considerably more precipitation.

Much of New Mexico's population is centralized. Approximately one-third of the State's total population lives in the greater Albuquerque metropolitan area. One-half of the population can be found along the Rio Grande and its tributaries. Other population centers are around the petroleum industry in the northwestern and southeastern portions of the State. The State's population is increasing rapidly with an 11.3 percent increase between 1980 and 1985, creating a total population of 1.45 million.

Census reports show that approximately 38 percent of the State's population is Hispanic or has Hispanic surnames. Almost 9 percent is Native American and over 2 percent is of African ancestry. Per capita income in the State was \$11,422 which ranks forty-first in the nation. The State's unemployment rate for 1986 was 9.2 percent.

The BLM, NMSO, is located in Santa Fe, New Mexico, which is located in north central New Mexico and also is its State Capital.

The NMSO is divided into four Districts which are located in Albuquerque, Las Cruces, and Roswell, New Mexico, and Tulsa, Oklahoma. Detached Resource Area Offices are located in Taos, Farmington, Socorro, and Carlsbad, New Mexico, and Oklahoma City, Oklahoma.

The major resource functions of the State are identified as follows:

1. Oil and gas production occurs in both the northwest and southeast corners of the State as well as numerous locations in Kansas, Oklahoma, and Texas. Most of the production in Oklahoma is under Indian ownership with the BIA acting as trustee. Mining and mineral extraction occur throughout New Mexico.
2. Approximately 20 million tons of coal is mined on Federal and Indian lands in the NMSO region. Over 75 percent of this is on Indian land. Over 90 percent of the potash mined in the United States comes from the Carlsbad, New Mexico, area. Most of this is on Federal lands. At one time, New Mexico supplied almost 50 percent of the uranium mined in the United States. Presently, there is almost no production in New Mexico, and reclamation is planned for some of the abandoned mines.
3. Rangeland management is a Statewide program with 11,224,409 acres of public land under Section 3 grazing permits and 1,283,519 acres of public land under Section 15 grazing permits.
4. Recreational use of public land within New Mexico is increasing. The total number of visits to public land for recreational purposes in FY 1986 was 1,357,500 per the Public Land Statistics 1988.
5. Realty management (land program) within the State is very active in authorizing use of public land. Actions in this program vary from authorizing temporary use to land sales and exchanges.
6. Wilderness management within the State consists of 4 designated wilderness and 51 wilderness study areas. The Statewide wilderness Environmental Impact Statement is complete and current estimates for congressional action on proposed wilderness is April 1990 or later.

In response to the completion of the New Mexico Statewide Draft Environmental Impact Statement and a proposal by the Wilderness Coalition to designate 1.8 million acres as wilderness, the New Mexico Congressional Delegation initiated action in 1987 on development of Statewide wilderness legislation for BLM land.

Through this consensus building process, 27 areas, totalling approximately 543,000 acres, were identified for wilderness designation. In addition to the designated wilderness areas, there were four areas, totalling approximately 137,000 acres, identified for further wilderness study and two areas, totalling approximately 70,000 acres, identified for designation as National Conservation Areas.

The introduction of the New Mexico Statewide Wilderness Legislation was expected to occur in 1988. However, the consensus building process came to a sudden halt in the spring of 1988 after the New Mexico Congressional Delegation reached an impasse on legislative language covering livestock management, Federally reserved water rights, and releasing nondesignated land from the wilderness review process.

On May 23, 1989, Senator Domenici and the University of New Mexico (UNM) sponsored a public land forum to address the issues of livestock grazing in wilderness and Federally reserved water rights. Following the debate on the issues, Senator Domenici announced that he was again optimistic that the outstanding issues could be resolved. The Senator then asked the UNM's Natural Resources Center to serve as the focal point in bringing the various groups, the State Engineer, and the BLM together to develop the necessary legislative language. If everyone were to continue the legislative process in the same spirit of compromise which was being displayed at the Public Lands Forum, Senator Domenici believed he could announce the introduction of the first Statewide wilderness bill for BLM land while celebrating the 25th anniversary of the Wilderness Act in the nation's first wilderness area, the Gila, on September 29, 1989.

7. Cultural resource management within the State is also a very active program and public land Statewide contains cultural resources of the prehistoric and historic type. Currently the cultural resources program is project oriented rather than research oriented.

8. Fuelwood management and the demand for fuelwood by the public has put a strain on the Bureau within the State. Historically, public land use, with regard to gathering fuelwood, has been unregulated in the field and has resulted in the perception that fuelwood gathering is an inherent right. Fuelwood resources are scattered throughout large areas of public land making detection of illegal cutting and compliance for permitted cutting difficult. Fragmented ownership further complicates enforcement by BLM, Law Enforcement Personnel, and an understanding by the public of where to cut. Public land is more accessible year around because of, generally, lower elevations than forest service cutting areas, and, thereby, receives increased pressure during winter months. Solutions to these problems should include a well regulated permit system with adequately defined cutting areas administered by trained personnel; public information regarding permit availability; and integrated enforcement action to assure proper compliance.

9. Wildlife habitat management continues to be an active program within the State. The program's goals are to improve the existing habitat for wildlife and increase the amount of habitat available.

Substantial developments on public land within the State fall into two categories, public and private. Major private developments are described as electrical transmission lines, petroleum pipelines, oil and gas wells, and, to a lesser extent, range improvements. Major public improvements include developed campgrounds, range and wildlife improvements, such as fences, wells, pipelines, and water catchments.

B. PROHIBITED ACT DATA

Prohibited acts which are identified in the Code of Federal Regulations or the United States Code affect nearly every resource on public land within the purview of the NMSO. Some of the major problem areas are as follows:

1. Theft of Oil and Gas

The Bureau is responsible for literally thousands of Federal oil and gas leases on and off public land. NMSO is responsible for 50 percent of all onshore oil and gas production and approximately 67 percent of all Indian oil and gas leases administered by BLM.

Past inspection and enforcement strategies have been geared more to administrative procedure than investigation and case solving. The oil and gas operating regulations require only procedures that let us know a theft has occurred; valve seals to tell us if a facility has been broken into; site security requirements that tell operators to plan for and lessen the opportunity for theft; and reporting formats to let us know when, where, and about how much theft has occurred. The oil and gas operating regulations do not require BLM or the operators to bring oil thieves to justice.

The individual Petroleum Engineer Technicians, due to their contacts with oil field workers and their day-to-day presence in the oil fields, may have an idea as to the magnitude of theft from Federal and Indian facilities. BLM "officially" knows only what is reported by the oil companies. The remote locations of most oil field product storage facilities make them accessible to those inclined to take oil. The ready use of natural gas liquid as fuel for automobiles makes it especially attractive for thieves. The decreasing volume of reported thefts on the following page probably reflects the decreasing cost of motor gasoline during the period indicated. As the price of gasoline rises, as it certainly is now, BLM should expect an increase in oil theft incidents, especially in the San Juan Basin. What makes oil and condensate easy to take also makes theft difficult to detect and prevent.

Improved methods of inspection and discovering petroleum product loss are being tried. Though the reporting process will initially identify greater losses, the statistics reflecting these losses will be more accurate.

ALBUQUERQUE DISTRICT
THEFT REPORTS

Volume in Barrels
Oil or Condensate

	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
JAN	843	1,148	310	255	42	0	304
FEB	962	308	258	214	0	0	0
MAR	471	351	195	97	363	0	0
APR	283	576	333	87	0	0	0
MAY	1,248	461	203	48	0	0	0
JUN	784	662	509	138	16	31	0
JUL	931	591	210	0	0	114	0
AUG	1,145	160	156	152	0	55	0
SEP	988	260	149	136	0	8	0
OCT	704	471	445	16	54	44	0
NOV	146	190	29	87	223	79	0
DEC	584	152	80	113	29	0	0
Totals	9,089	5,330	2,877	1,343	727	331	304

GRAND TOTAL = 20,001

2. Theft and Destruction of Cultural Resources

New Mexico has thousands of cultural sites on its public land. On a Statewide basis, approximately 60 percent of the known sites have been vandalized. The commercial value of stolen artifacts is high, and the difficulty in proving their origin makes successful prosecution difficult. A total dollar value of lost items is impossible to estimate, but values of individual items have ranged from \$100 to the tens of thousands. Adding to these problems is the situation that nearly all of the sites are in remote areas and impossible to surveil on any more than a limited basis. For these reasons, it is anticipated that the problem will increase.

3. Cannabis Cultivation

The United States Department of the Interior, BLM, NMSO, Law Enforcement Staff, has taken a strong proactive role in the national effort to control illicit drugs. The BLM's role in this monumental effort is to protect the lawful user of public land and to support BLM employees in the pursuit of their responsibilities to manage the Federal land placed in their trust. The NMSO has identified a drug problem within our area of responsibility and has defined the problem in terms of three principal areas of concern outlined as follows:

- a. Cultivation of cannabis on public land.
- b. Manufacture of methamphetamine on public land.
- c. Smuggling of drugs involving public land.

Secretary of the Interior Manuel Lujan has stated that "we will be aggressive soldiers in the nation's war on drugs." To accomplish this goal, the NMSO has greatly increased the role of the Law Enforcement Staff in combating the drug problem. Some of the aggressive new initiatives taken by the NMSO are outlined as follows:

1. Identifying the need for, and hiring, a drug coordinator to work in the State Office.
2. Identifying the need for, and obtaining approval to hire, four additional Law Enforcement Officers to work in field offices.
3. Initiating a project to identify the location of cannabis through the use of satellite imagery.
4. Establishing strong working relationships with all other agencies working on the drug problem at the Federal, State, and local level.
5. Identifying the need for, and being instrumental in the formation of, three new drug task forces to deal specifically with cannabis eradication on a Statewide basis.
6. Obtaining a sophisticated electronic surveillance capability through the use of video cameras, sensors, and existing microwave and computer systems.
7. Participated as instructors with New Mexico State Crime Stoppers in the training of police officers in a Statewide program.
8. Conducted a series of All Employees Drug Awareness Meetings in every BLM Office Statewide to alert employees to the danger the drug threat poses and to enlist their help in the fight.
9. Conducted a training session for the New Mexico National Guard (NMNG) in cannabis operations, including tactics, strategy, and field operations.
10. Secured a number of Memoranda of Understanding (MOU) with other agencies at the Federal, State, and local level for interagency cooperation in the war on drugs. This cooperation has been extremely helpful in the use of aircraft. U.S. Customs and the New Mexico National Guard have made both fix wing and rotary aircraft available for drug-related activities.
11. Active participation in the U.S. Department of Justice multiagency Law Enforcement Coordinating Committee.

To continue to be effective in the fight on drugs, the need for additional funding has been recognized and is currently being programmed in future budgets. Also, as our efforts continue to be successful, there will be a need for additional enforcement officers and support personnel to provide technical support.

The NMSO recognizes that the nation's war on drugs will be a continuous series of individual battles that must be fought and won on a daily basis. And although we have made some notable gains in recent months, we must continue

the work that we have begun and constantly look for new ideas to fulfill our mission.

4. Theft of Vegetative Materials

Theft of fuelwood in the northern half of the State is estimated many times the legal harvest. Because of the lack of a reporting system, the exact number of cords stolen is unavailable. Theft of native vegetation for landscaping purposes is a Statewide problem but is not as critical as the fuelwood problem.

5. Theft of Saleable Mineral Materials

Theft of sand and gravel has ranged from an individual taking a pickup truck full to removal of over 6,000 cubic yards by a commercial operator. Interpretation problems often occur when BLM personnel attempt to determine whether to pursue civil or criminal restitution because of the dissimilarity between trespass laws and criminal codes. This is a Statewide problem and expected to grow with increased population.

6. Vandalism and Theft of Range Improvements

Destruction and loss of range improvements is a Statewide problem. Vandalism usually is in the form of cutting fences, shooting windmills, and damaging pipelines, and there appears to be no pattern as to losses. Because of infrequent examination of range improvements by BLM personnel, discovery is often delayed and seldom prosecuted.

7. Recreation Violations

Recreation violations within the State generally fall into two categories:

a. Violations committed by the recreation user; such as, vandalism of public property, ORV violations, littering, harrassing livestock and wildlife, and disturbing other recreationists and public land users.

b. Violations committed against the recreationists include theft or destruction of personal property, denial of access to public land, or being forced to leave public land. In one instance, ranchers seized hunting rifles from two hunters.

The BLM FY 1988 Recreation Management Information System analysis indicates a steady increase in general activity, length of stay, and overall numbers of visitors on BLM-administered land.

8. Wild Horse and Burro

The Wild and Free-Roaming Horse and Burro Act of 1971 gave BLM the responsibility for the management and care of wild horses and burros. Within New Mexico, BLM has only one herd management area. New Mexico has a major responsibility for adoption of horses and burros, including a cooperative agreement with the State of New Mexico for training of horses to improve their

desirability for adoption. Consequently, the majority of program emphasis is on adoption.

Most of the problems that occur that require assistance from Special Agents (SA's) or Rangers is in the area of compliance and adoption. Since the adopted animals are on private property when the animals are suspected of mistreatment, access sometimes becomes difficult. When the animals must be removed from an adopter, the situation can become extremely difficult unless there is a SA present on site.

Some of the satellite adoptions that occur in conjunction with other uniformed activities have problems with crowd control. It is important to have a Ranger or, in some unusual cases, an additional SA to coordinate with local law enforcement on-site. Although the need is usually for only a couple of events per year, it is an important function.

Having SA's on call to assist in inspecting or reclaiming animals normally requires only one SA 5-10 times per year. This most often occurs in Oklahoma or Texas since most of the animals are located in these States.

The need for a Law Enforcement Officer's assistance at satellite adoptions routinely occurs two times per year for the duration of the event, which is approximately 3 days.

It is important that the response time for SA's to assist in compliance is rapid. Since BLM becomes informed of compliance problems through calls from the public, the problem is generally extreme, requiring an immediate response.

9. Immigration Violations

By reason of the present severe economic crisis in the Republic of Mexico, the number of cases involving illegal smuggling of citizens of Mexico into the United States through BLM land, transportation of citizens of Mexico illegally in the United States, and harboring of those citizens is substantially increasing within the District of New Mexico. Emphasis by the U.S. Attorney's Office will be given to prosecution of persons smuggling aliens into the United States for hire and transporting aliens for hire, particularly where the facts show that the aliens have been mistreated during their transportation or smuggling.

10. Hazardous Waste/Illegal Dumping

Hazardous material dumping on public land is a continuous and steadily increasing problem. The problem is complicated by the fact that these materials have been dumped in sanitary landfills during a period of changing concerns. Early acts of dumping may have been legal since neither concerns nor regulations had developed. This historic pattern is virtually devoid of records.

Investigations of hazardous material dumping is extremely complex. Special handling procedures must be instituted for public and employee safety. In many cases, the ability of the investigator to understand scientific ramifications of the incident is hampered by the need for very technical input

which varies greatly case by case. The gathering of on-site data may be dangerous to even persons highly-trained to handle hazardous materials. In all but the simplest cases, a specially-trained, specially-equipped investigator is needed to fully investigate these cases. This level of expertise is probably only available from an agency such as EPA or a private contractor.

11. Criminal Offenses

The NMSO experienced a significant increase in criminal caseload in 1989. As of July 27, 1989, 26 cases were completed from a total assignment of 36 criminal cases. A total of 163 incident reports was received from the four BLM Districts.

CASE BREAKDOWN

<u>Violations</u>	<u>Number</u>
Antiquities Violations	3
Drugs/Assist Other Agencies	9
Miscellaneous Investigations	4
Security Detail	2
Theft - Government Property	1
Theft - Minerals	1
Theft - Timber	1
Wild Horse and Burro Act	4
Violations of 43 CFR Not Falling in Above Categories	1
TOTAL	26

12. Memorandum of Understanding (MOU)

NMSO, Law Enforcement Staff, has entered into a MOU with the New Mexico National Guard (NMNG). This MOU authorizes the use of National Guard personnel and equipment, including fixed and rotary aircraft, for limited law enforcement operations.

Section C
EMPLOYMENT AND
INCOME

C. EMPLOYMENT AND INCOME

New Mexico is the fifth largest State and is one of the least populated. With an economy based primarily on agriculture, Government, tourism, and art, the State's 1986 per capita income was \$11,422, ranking forty-first in the United States. Manufacturing began making gains in New Mexico in 1980 with the introduction of such electronic giants as Signetics, Intel, and Honeywell. In a work climate enhanced by major Federal research labs and the State's Rio Grande Research Corridor, New Mexico's labor force of 679,200 offers skills ranging from high school to post-graduate education. New Mexico currently has the highest number of Doctorate Degrees per capita in the nation.

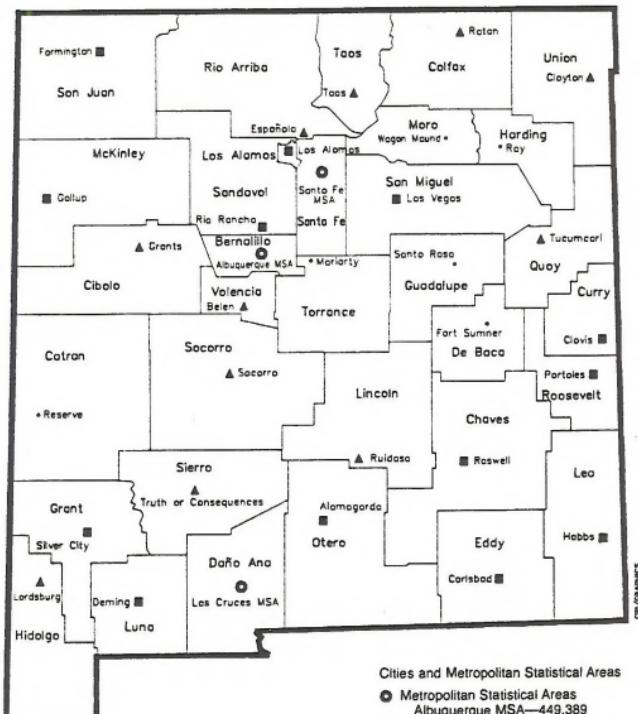
The wealth of undeveloped and recreational land within New Mexico encourages a casual outdoor lifestyle highly prized by residents and visitors. Opportunities for skiing, camping, hunting, hiking, boating, and fishing abound in New Mexico's 12.8 million acres of public land. Map C-1 shows the counties within the State and population centers within the counties. Table C-1 shows projected population trends within New Mexico. A more detailed sociological/economic profile of New Mexico can be found in the New Mexico Fact Book published by the New Mexico Economic Development and Tourism Department 1987-1988.

POPULATION

A Growing Sunbelt State

New Mexico's population in 1985 was 1.45 million people, and that figure is projected to increase to 1.98 million by the year 2005. Throughout the 1980s, metropolitan population has increased by 24.7% compared to growth in non-metropolitan areas of 17.8%. Population in New Mexico's three major metropolitan areas shows significant increases, with Albuquerque absorbing the bulk of the state's growth with a 23,500 net increase in Bernalillo County. Las Cruces and Santa Fe population increases are a result of the development of these two cities into major regional commercial centers. New Mexico's fastest growing counties are Sandoval and Doña Ana.

**New Mexico
Population Centers
July 1, 1984**



Cities and Metropolitan Statistical Areas

- Metropolitan Statistical Areas
 - Albuquerque MSA—449,389
 - Las Cruces MSA—112,184
 - Santa Fe MSA (includes Santa Fe and Los Alamos counties)—100,482
- Places of 10,000 to 49,999
- ▲ Places of 2,500 to 9,999
- Places of less than 2,500

Source: U.S. Department of Commerce, Bureau of the Census
Prepared by the Bureau of Business and Economic Research, UNM

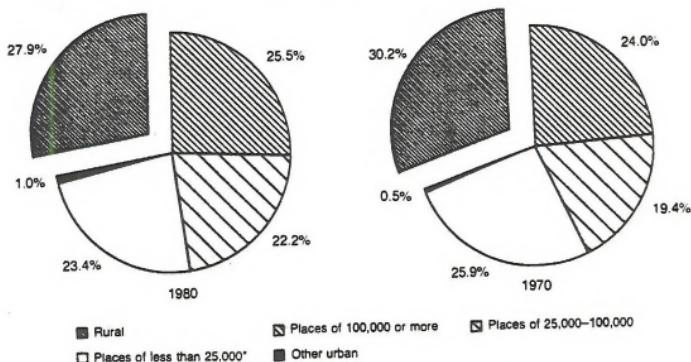
Population Projections by New Mexico County

	1985	1990	1995	2000	2005
New Mexico	1,459,000	1,583,500	1,718,400	1,853,300	1,982,700
Bernalillo	470,200	510,200	551,300	588,500	621,200
Catron	2,800	3,000	3,100	3,300	3,500
Chaves	56,500	57,500	60,300	63,200	66,200
Cibola	23,400	26,600	28,700	31,100	33,600
Colfax	14,400	15,000	15,800	16,600	17,300
Curry	41,600	41,900	41,700	41,700	42,000
DeBaca	2,400	2,400	2,300	2,300	2,200
Dona Ana	121,100	144,000	162,200	179,900	196,300
Eddy	52,900	55,000	58,100	61,500	65,100
Grant	27,400	29,500	30,100	32,200	34,200
Guadalupe	4,500	4,600	4,700	4,800	4,900
Harding	1,000	1,000	900	900	900
Hidalgo	6,200	6,700	7,100	7,600	8,200
Lea	65,900	66,300	71,200	77,100	83,900
Lincoln	14,200	15,600	16,800	18,000	19,000
Los Alamos	18,400	18,800	19,900	20,800	21,100
Luna	17,800	19,800	21,300	22,500	23,700
McKinley	62,800	70,900	79,400	89,200	99,200
Mora	4,600	4,900	5,100	5,400	5,500
Otero	49,500	54,300	58,500	62,500	66,800
Quay	11,700	11,800	11,800	11,800	11,900
Rio Arriba	32,900	35,300	38,800	42,300	45,800
Roosevelt	16,400	17,200	17,800	18,200	18,600
Sandoval	44,200	51,900	60,400	68,900	77,300
San Juan	91,700	99,500	112,800	128,000	142,900
San Miguel	25,000	27,000	29,200	31,300	33,400
Santa Fe	84,700	90,300	96,600	102,600	107,900
Sierra	9,500	10,200	10,500	10,500	10,300
Socorro	13,900	15,100	16,700	18,100	19,500
Taos	22,300	23,600	25,800	28,000	30,200
Torrance	8,600	9,400	10,400	11,400	12,300
Union	5,000	5,000	5,000	4,900	4,900
Valencia	35,300	39,400	44,100	48,600	52,900

Source: Bureau of Business and Economic Research, University of New Mexico, Population Projections for New Mexico Counties: 1980-2005, 11-86
 Prepared by the Bureau of Business and Economic Research, UNM

New Mexico Population Distribution by Urban/Rural Residence 1970 and 1980

Urban includes all places of 2,500 population or more and all urban areas (UA's). All other areas are rural.



Source: U.S. Department of Commerce, Bureau of the Census, Number of Inhabitants, New Mexico, 1970 and 1980

Prepared by the Bureau of Business and Economic Research, UNM

Section D

**FEDERAL LAW ENFORCEMENT
AGENCY PROFILES**

D. FEDERAL LAW ENFORCEMENT AGENCY PROFILES

Federal law enforcement capabilities, other than BLM, available on public land within the State of New Mexico are limited at best. Most Federal law enforcement agencies are tasked with enforcement of specific laws, or they have limited jurisdiction which does not include public land. The Federal Bureau of Investigation (FBI) shares concurrent jurisdiction with BLM SA's but, due to emphasis on specific types of crimes, they are usually unavailable for assistance. Other agencies (Drug Enforcement Administration (DEA); U.S. Customs; Bureau of Alcohol, Tobacco and Firearms (ATF); Border Patrol; Immigration and Naturalization Service (INS); and others) quite often share jurisdiction with BLM, SA's, but are generally available only on a limited basis.

Although many of the Federal agencies are tasked with enormous caseloads, response to specific BLM requests have been excellent. On numerous occasions, shared intelligence and joint BLM investigations with FBI, ATF, INS, and DEA, etc., have been completed with much success. The investigations were carried out in the true spirit of cooperation and have always culminated with suspects identified, apprehended, and prosecuted. This excellent Federal interagency cooperation is expected to continue throughout the foreseeable future.

Section E

**STATE LAW ENFORCEMENT
AGENCY PROFILES**

E. STATE LAW ENFORCEMENT AGENCY PROFILES

State law enforcement agencies within New Mexico consist of the New Mexico State Police, Department of Game and Fish, State Forestry, and the Attorney General's Office who have assisted the BLM in the past on a limited basis. State Police, Game Wardens, and State Forestry personnel spend time on public land and quite often assist in joint law enforcement efforts. However, they do not enforce Federal laws relating to public land.

Many BLM Rangers have received local training and are cross-designated as New Mexico State Forestry Officer. This designation authorizes BLM Rangers to enforce state forestry laws and restriction.

All New Mexico Special Agents and Rangers have been delegated New Mexico Peace Officer status by the Chief, New Mexico State Police Division. This delegation provides avenues for rendering assistance to other law enforcement agencies and providing enforcement capability where jurisdiction is unclear; i.e., checkerboard areas near public land.

Section F

**COUNTY LAW ENFORCEMENT
AGENCY PROFILES**

F. COUNTY LAW ENFORCEMENT AGENCY PROFILES

The chief law enforcement officials within the 33 counties of New Mexico are the county Sheriffs. The Sheriffs' jurisdiction encompasses the entire county but often leaves law enforcement within municipalities to the local Police if available. In New Mexico, 31 of the 33 counties contain public land. Curry County and Los Alamos County do not have public land, however, Curry County does have some Federal mineral estate. The Sheriff Departments within New Mexico do not routinely patrol public land. They have authority to enforce State laws on public land, but do not have such authority for Federal law without specific law enforcement contracts with BLM. Because of limited funds and tremendous liability to BLM, no such contracts exist in New Mexico nor are any large scale contracts anticipated in the future.

Section G
TOTAL CRIME
ASSESSMENT

G. TOTAL CRIME ASSESSMENT

By reason of the limited criminal jurisdiction of the Federal Government in comparison to State and local governments, the priorities of the Federal Government and the priorities of the State Government, to some extent, are not the same.

In the State of New Mexico, on the State and local level, the three most serious criminal problems are as follows:

1. Crimes against property.
2. Narcotic offenses.
3. Violent crimes.

This determination was made as a result of the input from State and local officials at the first Law Enforcement Coordinating Committee Meeting of which BLM is a corporate member.

The most serious problems faced by the Federal law enforcement agencies, in order of importance, are:

1. Drugs, including importation.
2. White collar crime, including public corruption of State officials.
3. Violent crimes on Indian reservations.
4. Other crimes against the United States Government, including thefts, forgery, and property crimes.
5. Immigration.
6. Other violent crimes for which Federal jurisdiction exists.

New Mexico is also in the top three in criminal caseloads per Federal Judge of all 94 Federal Judicial Districts. Drug violations constitute approximately 23 percent of the criminal caseload of the United States Attorney's Office in New Mexico. White collar cases constitute approximately 14 percent of the cases. However, in view of the complexity of some of these cases, they do take considerable time. Indian cases constitute approximately 15 percent of the caseload. Crimes against the United States Government constitute approximately 10 percent of the criminal caseload. Immigration violations are approximately 12 percent of the criminal caseload. At the present time, violent crimes include most of the Indian cases. The Indian cases consist primarily of murder, manslaughter (including vehicular homicides), assault with serious bodily injury, rape, and assault with intent to commit rape. In addition, various offenses involving illegal weapons or possession of weapons by convicted felons constitute approximately 10 percent of the caseload of the office.

In order to aid State and local officials in meeting the problems they face in preventing crime, the Federal law enforcement agencies will attempt to concentrate more of their resources in the area of drugs, violent crimes on Indian reservations, white collar crime and political corruption, property crimes, such as theft and forgery of Government checks, and theft of other property from the mails.

As a result of this plan, Federal investigative agencies will pool their resources commensurate with staffing restrictions in order to properly investigate and prosecute important cases. There will be more multiagency joint investigations. There will be some targeting of individuals who are known to be involved in significant criminal activity, but have not been apprehended.

The emphasis of this plan will be an attempt by the Federal investigative agencies and the United States Attorney's Office to have an impact on crime in New Mexico, and to be involved in cases which will have a deterrent effect on persons or enterprises contemplating criminal activity. There will be more emphasis on working with State and local agencies to jointly develop cases of a significant nature that may be prosecuted not only in Federal court, but in State court.

It is most important that law enforcement agencies become much more sophisticated in their dealing with criminal activities. Under this plan, increased efforts will be made to cooperate with State and local law enforcement agencies to develop programs which will deter criminal activities.

Section H

**ENFORCEMENT PROBLEMS
ON BUREAU LANDS**

H. ENFORCEMENT PROBLEMS ON BUREAU LANDS

Due to the isolated nature of the majority of public land within New Mexico, violations of laws and regulations may go unnoticed for long periods of time or may never be discovered.

Large blocks of public land which do not have legal access present a problem in that the Bureau cannot get to them and check them for illegal activities, such as cannabis cultivation, theft of cultural resources, vegetation, and/or mineral resources.

Field personnel who discover violations on public land, in some instances, are not reporting them. This situation may occur when there is limited training as to what to report. The employee may also feel that the violation is insignificant or previous attempts to act on the violation may have been unsuccessful. For some instances, violations are not reported because of sympathetic attitudes toward the violator, the violation, and fear of reprisal.

Section I
LAW ENFORCEMENT
AGREEMENTS

I. LAW ENFORCEMENT AGREEMENTS

Random sampling of Sheriff Departments within New Mexico indicates an interest in entering into law enforcement agreements with the Bureau which would involve monetary payments to the departments in return for services. Sheriff Departments enforce State and County laws and ordinances and can be delegated authority to enforce Federal laws on public land pursuant to the Federal Land Policy and Management Act, Sec. 303 (c)(1). Public land within New Mexico is under proprietary jurisdiction, and all State laws are enforceable.

During FY 1988, the State of New Mexico and its local Governments received \$10.5 million from the Bureau as payments in lieu of taxes. These payments are to help offset the cost of providing fire and police protection, search and rescue operations, road construction, and other vital services on certain tax exempt Federal land within New Mexico, such as those administered by the Bureau. New Mexico received the second largest payment of any state in 1987.

The payments are made directly to local governments, usually counties, and can be used for any purpose. The monies are distributed for tax-exempt Federal land administered by BLM, National Forests, National Parks, National Wildlife Refuges, and for Federal water projects and some military installations.

Payments in Lieu of Taxes Act of 1976 payments are in addition to revenue from oil and gas leases and sales of minerals, timber, and other materials and products derived from public land which the Federal Government also shares with State Government.

On the following pages are the county breakdown of the FY 1988 payments.

<u>NEW MEXICO COUNTIES</u>	<u>AMOUNT</u>	<u>KANSAS (CONT'D)</u>	<u>AMOUNT</u>	<u>OKLAHOMA (CONT'D)</u>	<u>AMOUNT</u>
Bernalillo	\$ 60,132	Geary	\$ 18,257	Ocataw	\$ 26,645
Catron	138,650	Greenwood	14,129	Cimarron	7,687
Craves	875,652	Hamilton	14	Cleveland	9,875
Cibola	483,917	Jefferson	29,486	Comanche	11,339
Colfax	46,124	Jewell	4,954	Cotton	3,018
DeBaca	27,481	Johnson	88	Creek	17,856
Dora Ana	858,080	Kearny	320	Custer	11,452
Eddy	950,613	Kingman	880	Dewey	7,100
Grant	660,869	Labette	1,926	Ellis	306
Guadalupe	40,274	Lincoln	651	Grady	23
Harding	40,748	Logan	49	Greer	2,696
Hidalgo	247,456	Lyon	3,399	Harmon	35
Lea	305,685	Marion	9,187	Harper	1
Lincoln	378,175	Marshall	4,643	Haskell	26,042
Los Alamos	24,093	Meade	59	Jackson	1,876
Luna	471,399	Miami	9,740	Jefferson	7,767
McKinley	276,079	Mitchell	18,775	Johnston	19,911
Mora	73,186	Montgomery	15,161	Kay	26,270
Otero	931,506	Morris	4,481	Kingfisher	150
Quay	1,313	Morton	43,833	Kiowa	12,904
Rio Arriba	590,096	Norton	5,815	Latimer	4,623
Roosevelt	7,562	Osage	24,919	Le Flore	24,407
San Juan	615,545	Osborne	2,475	Logan	24
San Miguel	253,946	Pawnee	302	Love	13,704
Sandoval	639,015	Phillips	8,586	Major	176
Santa Fe	212,265	Pottawatomie	10,981	Marshall	43,832
Sierra	306,280	Reno	11,062	Mayes	15,547
Socorro	376,090	Riley	10,025	McCurtain	14,476
Taos	465,227	Rooks	5,228	McIntosh	61,335
Torrance	102,492	Russell	15,696	Murray	1,730
Union	37,624	Sedgwick	774	Muskogee	15,965
Valencia	21,564	Seward	60	Noble	0
TOTAL	\$10,519,138	Shawnee	1,476	Nowata	16,205
		Stevens	409	Oklahoma	3,826
		Trego	11,331	Omulgee	3,158
		Wilson	23	Osage	51,063
		Woodson	3,675	Pawnee	11,088
		TOTAL	\$ 372,237	Payne	4
Butler	\$ 10,061			Pittsburg	46,167
Chautauqua	1,052			Pottawatomie	22
Cheyenne	8			Pushmataha	18,335
Clark	30			Roger Mills	3,077
Clay	13,451	OKLAHOMA COUNTIES		Rogers	24,856
Coffey	18,942	Alfalfa	\$ 23,365	Sequoyah	21,514
Comanche	90	Atoka	22,941	Stephens	4,487
Cowley	3,257	Beaver	140	Texas	9,735
Decatur	30	Beckham	80	Tillman	344
Dickinson	1,118	Blaine	8,108	Tulsa	3,848
Dorophen	3	Bryan	18,985	Wagoner	35,342
Douglas	15,431	Caddo	6,310	Washington	10,196
Ellis	20	Canadian	200	Washita	4
Ellsworth	15,875	Cherokee	27,984	Woods	199
				Woodward	6,143
				TOTAL	\$766,498

(CONTINUED)

<u>TEXAS COUNTIES</u>	<u>AMOUNT</u>	<u>TEXAS (CONT'D)</u>	<u>AMOUNT</u>
Angelina	\$ 9,489	Hutchison	\$ 7,821
Aransas	75	Jackson	12,747
Bell	28,251	Jasper	6,413
Bexar	9,377	Jeff Davis	359
Blanco	776	Jefferson	7,087
Bosque	12,373	Johnson	292
Bowie	35,894	Kenedy	24,900
Brazoria	1	King	10
Brewster	328,000	Kleberg	17,530
Burleson	9,467	Knox	2,953
Cameron	29	Lamar	14,450
Camp	758	Lee	5,355
Carson	11	Liberty	4,048
Cass	23,216	Live Oak	12,350
Chambers	11,109	Lubbock	47
Colemen	2,256	Marion	17,467
Collin	27,809	Mclennan	8,192
Comal	7,961	McMullen	13,866
Comanche	6,757	Montague	6
Cooke	20,384	Montgomery	4,752
Coryell	991	Moore	8,750
Gilberson	45,473	Morris	1,149
Dallas	36,577	Nacogdoches	2,678
Dallas	7,050	Navarro	6,766
Delta	14,259	Newton	178
Denton	45,041	Nueces	68
El Paso	41	Ochiltree	0
Ellis	6,800	Orange	5,762
Fannin	2,916	Polk	20,668
Fort Bend	1,769	Potter	18,766
Galveston	1,069	Randall	2
Gillespie	1,030	Sabine	10,296
Gray	145	San Augustine	10,595
Grayson	43,156	San Jacinto	5,961
Hardin	50,428	San Patricio	200
Harris	17,952	Shelby	5,888
Harrison	74	Swisher	5
Hemphill	58	Tarrant	12,836
Hidalgo	709	Tom Green	19,884
Hill	29,117	Trinity	6,797
Hockley	8	Tyler	15,613
Hopkins	9,071	Upshur	2,280
Houston	9,496	Val Verde	42,969
Hudspeth	12,973.	Walker	5,403
		Washington	7,502
		Willacy	3,840
		Williamson	14,177
		Wise	2,026
		TOTAL	\$1,261,910

Section J

**AREAS OF CONFLICT
IN LAW ENFORCEMENT
AGREEMENTS**

J. AREAS OF CONFLICT IN LAW ENFORCEMENT AGREEMENTS

The priority of any Sheriff Department is to protect the lives and properties of the people within the county and, generally, enforcement of Federal laws affecting public land is a very low priority. Due to staffing levels of these departments, public land cannot be routinely patrolled and emphasis must be placed upon response to priority issues within the voting area. This usually does not include public land. Many Sheriff's Deputies consider public land violations insignificant and are prone to ignore them. Local prosecutors are even less inclined to give any weight to these types of violations.

When Sheriff Departments avail themselves to patrol public land, their officers are certainly not recognized as representatives of BLM even though wages and related costs may be born by the Bureau. Additionally, the Bureau is still held responsible in all issues of liability.

Section K

**SPECIAL AGENT AND
RANGER OPERATIONS**

K. SPECIAL AGENT AND RANGER OPERATIONS

Law Enforcement Rangers have been deployed in New Mexico since 1986. Currently there are four Rangers in the Albuquerque District, two in the Las Cruces District and two in the Roswell District. The current Ranger force is inadequate to meet the demands for assistance. One of the functions of a Ranger is to provide a uniformed BLM presence on public land through the use of high-profile patrol. Currently, the Rangers are spending approximately 60 percent of their time on patrol and the remainder in specific mission oriented activities. Requests for Ranger assistance are steadily increasing and will continue to increase as managers, employees, and the public gain further insight as to the capabilities of Rangers. Recognizing the need for additional Rangers, four more Ranger positions have been requested for FY 1990.

With an increase in Ranger personnel, improved methods of reporting, and the discovery of new violations, the work load for support personnel, such as SA's, has increased dramatically. Investigative responsibilities have also expanded as a result of management policies relating to hazardous waste dumping, ARPA, oil and gas theft, and drug interdiction on public land. In an attempt to remain current with work load and investigative responsibilities, the NMSO currently employees a staff consisting of the Special Agent-in-Charge (SAC), Assistant SAC, three SA's, one Law Enforcement Assistant, and one Cartographic Technician. The addition of one secretary in FY 1990 will bring the staffing level to eight.

BLM, New Mexico, is well along in its efforts to create a small, highly professional law enforcement organization. We anticipate receiving additional funding in the amount of \$480,000 which will cover 5 FTE's and their basic equipment in FY 1990 to bring our complement to 5 Special Agents and 12 Rangers. We do not believe it is reasonable or practical to expand much further in numbers of basic enforcement personnel at this time. BLM, New Mexico, will necessarily always be only a small segment of the antidrug law enforcement effort. We are convinced that our emphasis should be on the creation of that highly professional, very efficient reasonably-sized organization which can be most effectively used for both BLM crime and as part of a coordinated, multiagency drug enforcement effort.

Additional funding would first be utilized to fully equip and train existing personnel including those being acquired this year. Remaining funds would be directed toward the procurement of upgraded surveillance systems such as satellite imagery, ground sensors with RF and microwave capability, night optics (such as, infrared and light enhancement systems), remote cameras and electronic surveillance equipment, and, finally, secure communications capability. The Law Enforcement Staff's need for technical analysis and assistance in satellite imagery will be augmented by NMSO, Branch of Land Information Systems. This should result in a major increase in successful investigations and prosecutions and better working relations with other agencies who need our assistance.

Expanded law enforcement responsibilities caused the NMSO to rely more heavily on tactical law enforcement, both of a standardized and specialized nature. The BLM, NMSO, has implemented a seven-man Special Operations Group (SOG). The SOG has capabilities which are unique from the conventional urban

emergency response teams. The BLM, SOG, specializes in long-term extremely rural surveillance and typical high-risk search and arrest warrant executions. The SOG also deploys with state-of-the-art equipment, from fully automatic weaponry to sophisticated electronic surveillance equipment. The SOG also has recently signed a MOU with the NMNG. The MOU authorizes the use of NMNG aircraft which gives SOG the capability of being deployed anywhere in the State in just a few hours. The unique capabilities of BLM, SOG, have been requested and utilized by other agencies with great success.

With the additional personnel and equipment, we will be prepared to protect the natural resources and legitimate users of New Mexico's public land. BLM, New Mexico, has gained credibility with other Federal law enforcement agencies, and the public is beginning to acknowledge the seriousness of our mission.

Section L
RECOMMENDATIONS

L. RECOMMENDATIONS

The NMSO has expanded its law enforcement capability dramatically since its inception, beginning with one SA in the late 1970's to its current level of eight Rangers, four SA's, and a Law Enforcement Assistant. Because the expansion has been gradual on an "as needed" basis, it is recommended that an organizational structure be designed and implemented by the Executive Management Team which will enhance the law enforcement capability while at the same time reduce potential liability. Emphasis must be placed upon consistency in enforcement practices, efficiency of personnel, and simplicity in their availability to react to emergency situations.

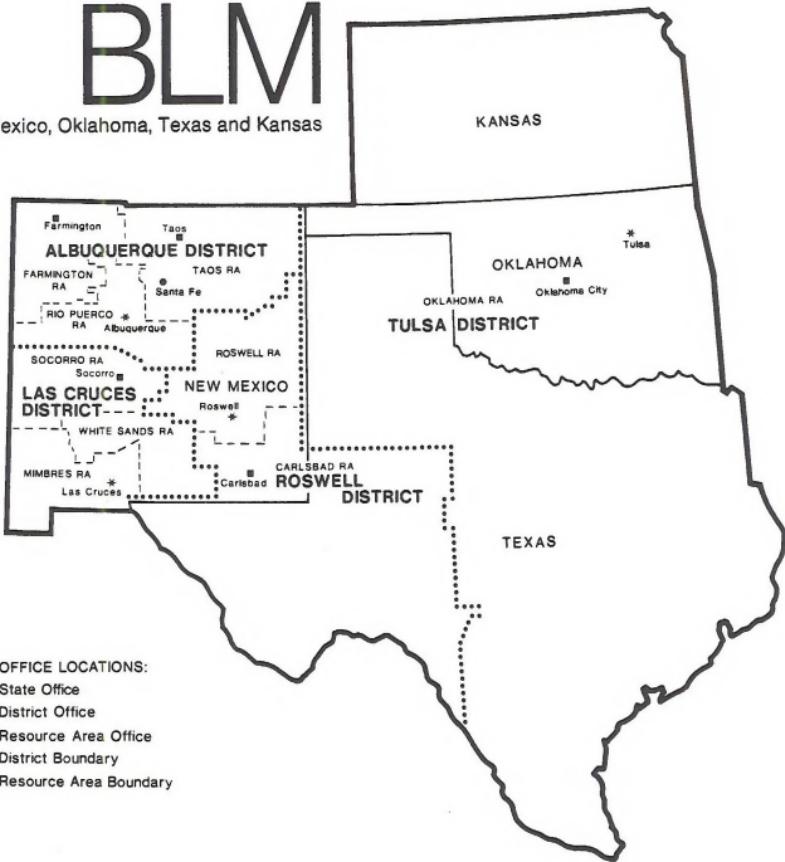
Law enforcement needs analyses must be updated continuously at the District and Resource Areas to determine additional requirements for enforcement action and personnel. It is recommended that this planning be coordinated with the Annual Work Plan and the local RMP.

Further recommendation is made that the Law Enforcement Program be monitored for proper technical and procedural adherence at all levels within the State. It is also recommended that an annual training session regarding the law enforcement mission be conducted by the SAC for non-law enforcement managers and personnel. Quarterly meetings between management and law enforcement personnel to exchange information and ideas should continue in support of law enforcement program integration.

APPENDICES

BLM

New Mexico, Oklahoma, Texas and Kansas



MEMORANDUM OF UNDERSTANDING

Between

The Bureau of Land Management, New Mexico State Office
The New Mexico National Guard

Article I. PURPOSE

This Memorandum of Understanding (MOU) prescribes the procedures and guidelines for cooperation and support between the Bureau of Land Management, New Mexico State Office (Bureau) and the New Mexico National Guard (National Guard).

Article II. AUTHORITY

This support Agreement is entered into, by the National Guard, pursuant to the Memorandum for the Adjutant General, New Mexico, Subject: Execution of the New Mexico Drug Enforcement Support Plan, Dated: 30 March 1989. The Bureau enters into this agreement under 43 U.S.C. Section 1733, Authorizing the Secretary of The Interior to enforce ... federal laws and regulations ... relating to the public lands or resources; and, Section 303 of The Federal Land Policy and Management Act of 1976 (FLPMA).

Article III. PROGRAM

The Bureau has the authority for the removal of drugs and drug manufacturing equipment/facilities on the Public Lands under the Secretary's initiative on drugs. The National Guard has authority to support these actions under the March 30, 1989 Memorandum, Subject Execution of the New Mexico Drug Enforcement Support Plan.

Due to the roadless expanse of the public lands, aerial surveillance and support is the primary tool in identifying irregularities and taking effective actions against such. It is not in the public interest to advertise surveillance routes and tactical missions to intercede in illicit activities. Use of Government owned/operated aircraft is essential from a liability and security standpoint.

Support missions will include:

- (1) Transporting Department of The Interior (DOI) personnel for the purpose of locating and interceding in illicit drug activities.
- (2) Transporting contraband from the public lands.
- (3) Training flights to improve coordination and tactical

capabilities of Bureau and National Guard participants.
Activities conducted under this MOU are non-reimbursable.

Article IV. PROCEDURES

Procedures defined in the National Guard Drug Enforcement Support Plan shall be incorporated into Article IV of this MOU. Additionally, the following procedures shall be followed:

1. The National Guard will provide formal training to Bureau participants to include: location and use of safety equipment, crash procedures, and emergency egress procedures. This training will be documented and copies of the documentation furnished to the Bureau.
2. The Bureau will contact the National Guard Drug Support Coordinator, or in his absence, the State Aviation Officer for all activities to be conducted under this MOU. The Bureau personnel who will make these contacts will be the Bureau Special Agent-In-Charge or his acting.
3. Notice of intended missions will be forwarded to the National Guard as far in advance as possible.
4. Joint Bureau/National Guard pre-mission planning will be accomplished at least 24 hours prior to a mission. Flight hazards will be specifically addressed.
5. Thorough pre-mission briefings will be conducted immediately prior to a mission. All participants will be present at these briefings.
6. The Bureau will provide a manifest of all DOI employees who will be on the aircraft. The manifest will contain each persons full name and social security number.
7. Participants who are not DOI employees will be pre-approved by the National Guard before they will be allowed to fly on National Guard aircraft.
8. The National Guard will assure the Pilot-in-Command (PIC) meets DOI flight time and experience requirements (See attached 350 DM 4, Appendix 1).
9. The Bureau will assure flight following is provided on all flights. This can be accomplished by the mission aircraft through the Bureau radio net or through a "cover" aircraft that is in contact with authorities who are monitoring the Bureau or National Guard radio net.
10. No night landings at unimproved landing sites will be made

unless the landing site has been surveyed by the National Guard during the day. This includes unaided night and night vision goggles (NVG) missions.

11. Ammunition will not be locked and loaded in weapons carried in the aircraft. Weapons will not be fired from the aircraft.

12. A post mission briefing will be conducted at the conclusion of each mission. An after action report will be written and distributed to each party.

13. Publicity releases and news releases involving activities under this MOU will not be initiated by either party unless mutually agreed upon.

Article V. AMENDMENT, AGREEMENT PERIOD, AND TERMINATION

This Memorandum of Understanding shall become effective upon the signature of all involved parties and remains in effect for one year. At the end of this time, the MOU will be reviewed and extended if mutually agreed upon by both parties.

The provision of this MOU may be amended at any time upon mutual agreement of both parties. Any party may terminate this Agreement upon presentation of a written notice to the other party.

APPROVED:

Bureau of Land Management
New Mexico State Office

By Jerry V. Woodard

Title State Director

Date June 9, 1989

New Mexico National Guard

By Jack R. Fox

Title LTC JACK R. FOX, Acting Plans, Operations & Training Officer

Date 9 June 1989

